**IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL**

**Writ Petition No. 625 of 2006 (M/B)**

1. Kishan Ram S/o Late Sri Sher Ram,
   R/o Village Harchinne, P.O. Kaushani,
   Tehsil Gharaur, District Bageshwar.
2. Dhapuli Devi W/o Late Prem Ram,
   R/o Village Harchinne, P.O. Kaushani,
   Tehsil Gharaur, District Bageshwar.
3. Channi Ram S/o Late Sher Ram,
   R/o Village Harchinne, P.O. Kaushani,
   Tehsil Gharaur, District Bageshwar.
4. Manoj Kumar S/o Kishan Ram,
   R/o Village Harchinne, P.O. Kaushani,
   Tehsil Gharaur, District Bageshwar.
5. Bhadur Singh S/o Late Dan Singh,
   R/o Village Harchinne, P.O. Kaushani,
   Tehsil Gharaur, District Bageshwar. …….. Petitioners

**Versus**

1. State of Uttaranchal,
   through Secretary, Revenue, Dehradun
2. District Magistrate,
   Bageshwar.
3. Executive Engineer,
   Public Works Department,
   (Provincial Division),
   Bageshwar. ……. Respondents

Mr. Siddhartha Bisht, Advocate for the petitioners.
Mr. J.P. Joshi, Addl. Chief Standing Counsel for the respondents.

**JUDGMENT**

**Coram: Hon'ble Rajeev Gupta, C.J.**
**Hon'ble Prafulla C. Pant, J.**

**RAJEEV GUPTA, C. J. (Oral)**

Mr. Siddhartha Bisht, Advocate for the petitioners.

Mr. J.P. Joshi, Addl. Chief Standing Counsel for the respondents.

They are heard on admission.

2. The petitioners have filed this writ petition for the following reliefs:

> "I. Issue a writ order or direction in the nature of Mandamus directing the respondents no. 2 & 3 not to do construction in the area in dispute which is within the limit of half (1/2) km from the starting point of construction of Kaushani-Machhiya Bagar Road.
>
> II. Issue a writ order or direction in the nature of mandamus directing the respondents to conduct a new survey regarding the site which is in dispute.
>
> III. Issue any other writ, order or direction, which this Hon'ble Court may deem fit and proper in the circumstances of the case.
>
> IV. Award the costs of petition."

3. The petitioners are aggrieved of the alignment of the proposed road between Kausani and Machhiya Bagar Road.

4. The learned counsel for the petitioners vehemently argued that the proposed road would adversely affect the petitioners' houses.

5. From the letter dated 05.11.2005 sent by District Magistrate, Bageshwar to the Secretary, Uttaranchal Scheduled Casts and Scheduled Tribes Commission, it is apparent that the proposed road is being constructed on the Government land only and no part of the land allotted to the petitioners is required for the said purpose.

6. What should be the alignment of a proposed road is entirely for the authorities to decide and the Courts have no role to play in such matters.

7. In this view of the matter, we do not find any substance in the submissions of the learned counsel for the petitioners.

8. The writ petition, therefore, is liable to be dismissed and is, hereby dismissed summarily.

9. With the above order, CLMA No. 6402 of 2006 also stands dismissed.

**(Prafulla C. Pant, J.)** **(Rajeev Gupta, C. J.)**

25.05.2006 25.05.2006

G